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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,528	09/22/2003	Akira Tani	1737.31	9938

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NEW YORK, NY 10036-7311

EXAMINER

FERGUSON, MICHAEL P

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,528

Applicant(s)

TANI, AKIRA

Examiner

Michael P. Ferguson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 2, 2006 has been entered.

Claim Objections

2. Claim 8 is objected to because of the following informalities:

Claim 8 (line 16) recites "second hollow cylindrical portion of said first columnar coupler". It should recite --second hollow cylindrical portion of said second columnar coupler--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Battermann (US 2,356,199).

As to claim 8, Battermann discloses a portable columnar structure comprising:
a columnar coupling structure capable of providing stability that includes three independent and separate components including a first columnar coupler **14,A** (Figure 4 reprinted below with annotations), a second columnar coupler **2,B** and a connection adaptor **5** to be placed between the first and second columnar couplers, the first and second columnar couplers forming a part of the portable columnar structure being in the form of furniture parts or strut (radio transmitter) assemblies to be assembled and disassembled; wherein:

the first columnar coupler comprising a bolt fixture member **16**, on which a bolt is permanently secured to a cylindrical joint end (bolt **16** is permanently secured to first columnar coupler **14**, if one chooses not to remove the bolt from the cylindrical joint end), and a first hollow cylindrical portion **A** at the cylindrical joint end;

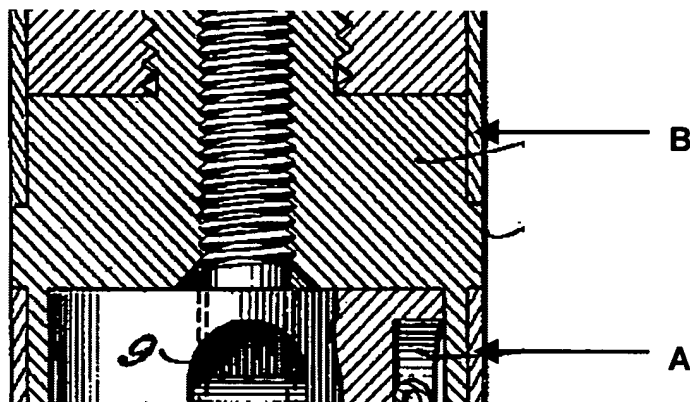
the second columnar coupler comprising a nut fixture member, on which a nut having a size that will fit over a male thread of the bolt (via plug **4** of connection adapter **5**) is secured to a cylindrical joint end, and a second hollow cylindrical portion **B** at the cylindrical joint end; and

the connection adaptor having a first small diameter portion and a second small diameter portion, shaped and sized so that the first small diameter portion fits closely in the first hollow cylindrical portion of the first columnar coupler at the cylindrical joint end and the second small diameter portion fits closely in the second hollow cylindrical portion of the second columnar coupler at the cylindrical joint end, respectively, the connection adaptor having a bolt through hole formed into which the bolt is inserted,

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and an annular projection 6 of a greater diameter than inner diameters of the first and second columnar couplers provided at an intermediate portion, and

wherein the first and second columnar couplers are interconnected with the connection adaptor positioned in between (Figure 4).



As to claim 9, Battermann discloses a portable columnar structure wherein in the first 14,A and second 2,B columnar couplers, the first A and second B hollow cylindrical portions are formed in the vicinities of joint ends so as to be closely fitted over the first and second small diameter portions of the connection adaptor 5 (Figure 4).

As to claim 10, Battermann discloses a portable columnar structure wherein one of the first and second hollow cylindrical portions of the first 14,A and second 2,B columnar couplers has a circular cross section (Figure 3).

As to claim 11, Battermann discloses a portable columnar structure wherein ends of the first and second smaller diameter portions of the connection adaptor 5 are chamfered (chamfered end 13 fitted in coupler 14; and chamfered threaded end 4 fitted in coupler 2) so that an assembly process can be easily performed (Figure 4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Battermann.

As to claim 12, Battermann fails to disclose a portable columnar structure wherein a material used for the connection adaptor is aluminum, reinforced plastic or foundry die casting.

The applicant is reminded that the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify a structure as disclosed by Battermann to have a connection adaptor made of aluminum, reinforced plastic or foundry die casting as such practice is a design consideration within the skill of the art.

Response to Arguments

7. Applicant's arguments filed May 2, 2006 have been fully considered but they are not persuasive.

As to claim 8, Attorney argues that:

Battermann does not disclose a portable columnar structure wherein the first columnar coupler comprises a bolt fixture member, *on which a bolt is permanently secured to a cylindrical joint end.*

Examiner disagrees. As to claim 8, Battermann discloses a portable columnar structure wherein the first columnar coupler **14,A** comprises a bolt fixture member **16**, on which a bolt is permanently secured to a cylindrical joint end (bolt **16** is permanently secured to first columnar coupler **14**, if one chooses not to remove the bolt from the cylindrical joint end; Figure 4).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


MPF
05/12/06



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